REMARKS

Claims 1-16 are all the claims pending in the application. By this Amendment, Applicant amends claims 1, 6, 9, and 13 to further clarify the invention. In addition, Applicant adds claims 15 and 16, which are clearly supported throughout the specification.

I.   Summary of the Office Action

The Examiner withdrew the previous grounds of rejection. The Examiner, however, found new grounds for rejecting the claims. Specifically, claims 1-14 are rejected under 35 U.S.C. § 102.

II.   Claim Rejections

Claims 1-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,845,090 to Collins, III et al. (hereinafter "Collins"). Applicant respectfully traverses these grounds of rejection in view of the following comments.

To be an "anticipation" rejection under 35 U.S.C. § 102, the reference must teach every element and recitation of the Applicant's claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the reference must clearly and unequivocally disclose every element and recitation of the claimed invention. MPEP § 2131.

Independent claim 1 recites *inter alia*: "utilizing decentralized and centralized hardware modules that are networked with one another to provide a stored program control of plant functions, wherein the decentralized, plant-side modules each have a respective dedicated configuration module; and for one of the plant functions to be controlled, at least one of

configuring and parameterizing the plant-side modules with the respective dedicated

configuration modules."

In an exemplary, non-limiting embodiment, in a technical plant, a number of hardware

modules are provided to perform various functions of the plant *e.g.*, one hardware module may

be a belt, another one may be a valve, and so on depending on the functions of the plant. In the

conventional techniques, the user must update all these different hardware modules using the

centrally provided configuration software. In an exemplary, non-limiting embodiment, however,

a dedicated configuration module for configuring a respective decentralized, plant-side <u>hardware</u>

module is provided within the respective module. In other words, each decentralized, plant-side

module has a configuration module exclusive (used only) for configuring its respective plant-side

module. Accordingly, the software production for the hardware module (*e.g.*, in the

programming device) is decoupled from hardware production as the configuration module is

provided in the respective hardware module. Also, the user can update and reload various

configuration modules separately and independently from one another. It will be appreciated

that the foregoing remarks relate to the invention in a general sense, the remarks are not

necessarily limitative of any claims and are intended only to help the Examiner better understand

the distinguishing aspects of the claims mentioned above.

Collins, on the other hand, relates to a process of distributing software and data in a

digital computer network by combining the software and data into single entities referred to as

packages, and then by using specific techniques to transmit the packages from one computer to

another. The methods are operable on a target digital computer to unpack and perform useful

functions such as installing and backing out software on the target digital computer, collecting

data from the target digital computer and forwarding it to another digital computer, or

completing a system administration function on the target digital computer (*see* Abstract and col.

1, lines 37 to 63).

The Examiner contends that col. 2, line 55 to col. 3, line 33 of Collins disclose the unique

features of claim 1 quoted above (*see* page 3 of the Office Action). Col. 2, line 55 to col. 3, line

33 of Collins recite:

> A Distribution Target (2) is another digital computer
> electrically connected to the NMS through one or more
> internetworks. A Distribution Target receives
> Software Packages from the NMS, and sends a digital
> message to the Package to initiate the installation.
> Each Distribution may be scheduled on the NMS to
> occur on or after a specific point in time, or to
> occur periodically without further manual
> intervention by a system administrator on the NMS.
> Each Distribution may send one or more packages to
> one or more Distribution Targets.
>
> A Command Target (3) is another name for a
> Distribution Target when it receives and acts on a
> Command Package. Command Packages are identical to
> Distribution Packages, except that they contain a
> different set of methods. The methods contained in a
> Distribution Software Package act, among other
> things, to unpack data from the Software Package and
> install it on a Distribution Target. The methods
> contained in a Command Package, by contrast, act on
> data to perform a system administration function on
> the Command Target...(emphasis added).
>
> A Hop Server (4) is a digital computer which stores a
> Software Package and then forwards it to one or more
> Distribution Targets. Although not pictured, all
> three types of Software Packages may be transmitted
> through a Hop Server. The purpose of a Hop Server is
> to reduce network traffic across slow and expensive
> resources, such as Wide Area Networks (WANs). Hop
> Servers enable the NMS to transmit a Software Package
> once to the Hop Server, which in turn can forward the
> Package to many Targets on its Local Area Network
> (LAN). Although not pictured, Hop Servers may
> distribute to additional Hop Servers.
>
> Both the NMS and Hop Servers employ a technique known
> as Transmission Windows. A Transmission Window is a
> configurable parameter on the NMS and Hop Server(s)
> which sets the maximum number of simultaneous
> transmissions which can occur at a given time. As one
> transmission completes, another is started, until all

> Targets for a Distribution have received the Software
> Package.

As is visible from the description above, Collins only discloses a command package provided to

the command target device performs an administration task on this target (digital computer).

Collins, however, does not disclose or even remotely suggest that the distribution target 2

or the command target 3 (digital computers) are <u>decentralized and centralized hardware modules</u>

<u>that are networked together to provide a stored program control of plant functions</u>. In other

words, Collins discloses various target computers but <u>not decentralized and centralized hardware</u>

<u>modules</u>, as set forth in claim 1. Since Collins only discloses target computers and fails to

disclose decentralized and centralized hardware modules, the rejection is improper as it lacks

"sufficient specificity" required under 102. "[A]nticipation under § 102 can be found <u>only when</u>

<u>the reference discloses exactly what is claimed</u> and that where <u>there are differences</u> between the

reference disclosure and the claim, the rejection must be based on § 103 which takes differences

into account." *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985);

MPEP § 2131.

Therefore, at least the recitation of "utilizing decentralized and centralized hardware

modules that are networked with one another to provide a stored program control of plant

functions, wherein the decentralized, plant-side modules each have a respective dedicated

configuration module; and for one of the plant functions to be controlled, at least one of

configuring and parameterizing the plant-side modules with the respective dedicated

configuration modules," as set forth in claim 1, is not disclosed by Collins, which lacks having

centralized and decentralized targets and which lacks having the targets network with one

another to provide a stored program control of plant functions. For at least these exemplary

reasons, claim 1 is patentably distinguishable from Collins. Accordingly, Applicant respectfully

requests the Examiner to withdraw this rejection of claim 1 and its dependent claims 2-5 and 11-

14.

In addition, dependent claim 2 recites: "the control of the technical plant comprises an

open-loop control" and dependent claim 3 recites: "the control of the technical plant comprises a

closed-loop control." The Examiner contends that Collins in Fig. 1 discloses these unique

features of these dependent claims 2 and 3 (*see* page 4 of the Office Action). Applicant

respectfully disagrees. In Fig. 1, Collins discloses various components of the system *i.e.*, the

network management system 1, the distribution target 2, the command target 3, a hop server 4,

and the distribution packages (col. 2, line 55 to col. 3, line 25). In Collins, there is no disclosure

or suggestion of <u>a technical plant</u>. Further, there is no disclosure or suggestion of <u>an open loop</u>

<u>or closed loop control</u> of the technical plant. Therefore, for at least these additional exemplary

reasons, Applicant respectfully submits that claims 2 and 3 are patentably distinguishable from

Collins.

Dependent claim 14 recites: "wherein the respective, decentralized, plant-side module is

manufactured with the dedicated configuration module being stored therein." In Collins, the

packages are transmitted from the network management system. The purpose of the Collins

reference is improved <u>distribution</u> of the software modules. In other words, in Collins, the

packages (alleged configuration modules) are <u>not</u> manufactured with the target device. On the

contrary, the packages are assembled in the network management system and are transmitted to

the target device. Therefore, for at least these additional exemplary reasons, Applicant

respectfully submits that claim 14 is patentably distinguishable from Collins.

Next, independent claims 6 and 9 recite features similar to, although not necessarily

coextensive with, the features argued above with respect to claim 1. Therefore, arguments at

least analogous to those presented with respect to claim 1 are respectfully submitted to apply

with equal force here. For at least substantially analogous exemplary reasons, therefore,

independent claims 6 and 9 are patentably distinguishable from Collins. Claims 7, 8, and 10 are

patentable at least by virtue of their dependency on claim 6 or 9.

In addition, independent claim 9 recites the feature of: "wherein the decentralized, plant-

side modules each comprise a microprocessor and memory components storing the dedicated

configuration module, wherein the microprocessor and memory components configure the

respective plant-side module." The Examiner contends that Collin's hop server 4 anticipates

these unique features of claim 9 (*see* page 4 of the Office Acton). Collin's hop server 4 is <u>not</u>

<u>part of the targets</u> (Fig. 1). That is, in Collins, the targets 2 and 3 do not include a hop server 4.

Collins fails to disclose or even remotely suggest the <u>components</u> of the targets. In Collins, there

is no disclosure or suggestion of <u>what constitutes a target</u>. In other words, Collins does not

suggest the target having a microprocessor and a memory component for configuring itself. For

at least these additional exemplary reasons, claim 9 is patentably distinguishable from Collins.

III.   New Claims

In order to provide more varied protection, Applicant adds claims 15 and 16, which are

patentable by virtue of their dependency on claim 1 and for additional unique features set forth in

these claims.

IV.   Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly invited to contact the undersigned attorney at the telephone number listed below.

      The USPTO is directed and authorized to charge all required fees, except for the Issue

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